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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,284	02/03/2006	Michael Cornelis Van Beek	PHNL030944US	9738

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
CLEVELAND, OH 44143

EXAMINER

ALLI, IYABO

ART UNIT	PAPER NUMBER
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2877

MAIL DATE	DELIVERY MODE
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11/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,284

Applicant(s)

VAN BEEK ET AL.

Examiner

IYABO S. ALLI

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/03/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 8 of the Specification, term 71 is used to label the 'target area' and than again for 'the region'.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **1, 2, 4** and **5** are rejected under 35 U.S.C. 102(b) as being anticipated by **Cook et al.** (6,650,916). ('**Cook**')

Cook discloses a method and apparatus for providing high contrast imaging comprising:

As to claim 1, Cook discloses an illumination optical system **202** to emit an illumination beam **206** along an illumination beam path onto the object **222** and an imaging system **260** to receive a returning imaging beam from the target area **223** along an imaging beam path (Column 11, lines 44-48 and Fig. 2), wherein the imaging system **260** includes a selective optical interception system

to intercept a returning illumination beam **207** from the region between the surface and the target area (Column 13, lines 5-9 and Fig. 2).

As to claim 2, Cook discloses all of the claimed limitations as applied to Claim 1 above, **in addition Cook** teaches the illumination system **202** is arranged to produce the illumination beam **206** as a polarised illumination beam **206** (Column 13, lines 5-7) and the selective optical interception system includes a polarisation-analyser **220** having its axis crossed relative to the polarisation axis of the polarised illumination beam (Column 13, lines 7-14 and Fig. 2).

As to claim 4, Cook discloses an illumination optical system **202** to emit an illumination beam **206** along an illumination beam path onto the object **222** and an imaging system **260** to receive a returning imaging beam from the target area along an imaging beam path (Fig. 2), wherein the illumination optical system **202** produces an unfocussed illumination beam **103** (Column 9, lines 57-62 and Figs. 1B and 2).

As to claim 5, Cook discloses an illumination optical system **402** to emit an illumination beam along an illumination beam path onto the object **222** and an imaging system **420** to receive a returning imaging beam from the target area along an imaging beam path (Fig. 4), wherein the illumination beam path and the imaging beam path subtend an angle and the illumination optical system **402** has an illumination focus **404**, the imaging system has an imaging focus **417** and the illumination focus **404** being displaced from the imaging focus **417** (Column 17, lines 48-52 and Fig. 4).

4. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by **Flock et al.** (7,006,861). ('**Flock**')

As to claim 6, Flock discloses a spectroscopy system that includes an excitation system 2 to emit an excitation beam to a target area 8 below a surface of an object 6 (Column 6, lines 27-32 and Fig. 3), and the analysis apparatus further comprising a monitoring system 14 to image the target area 8, the monitoring system including a illumination optical system 2 to emit an illumination beam along an illumination beam path onto the object 6 and an imaging system 12 to receive a returning imaging beam from the target area along an imaging beam path, wherein the illumination beam path and the imaging beam path subtend an angle (Figs. 1 and 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cook et al.** (6,650,916), in view of **Flock et al.** (7,006,861). ('**Cook**' and '**Flock**')

As to claim 7, Cook discloses all of the claimed limitations as applied to Claim 1 above, **except for** an analysis apparatus comprising a spectroscopy system that includes an excitation system to emit an excitation beam to a target

area below a surface of an object and the analysis apparatus further comprising a monitoring system.

However, **Flock** teaches an analysis apparatus comprising a spectroscopy system that includes an excitation system **2** to emit an excitation beam to a target area **8** below a surface of an object **6** and the analysis apparatus further comprising a monitoring system **14** (Column 6, lines 29-40 and Figs. 1 and 3).

It would have been obvious to one skilled in the art at the time of the invention to include the monitoring system of **Flock** in the analysis apparatus of **Cook** in order to provide a clear visual result of the target area, reducing possible errors if no monitor was provided and the user was required to guess the result of the detected area.

3. Claim **3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cook et al.** (6,650,916), as applied to claim 1 above, and further in view of **Eckman et al.** (7,148,466). ('**Cook**' and '**Eckman**')

As to claim **3**, **Cook** discloses all of the claimed limitations as applied to Claim 1 above, **except for** the selective optical interception system includes an aperture stop that essentially intercepts a central portion of the returning imaging beam.

However, **Eckman** teaches the selective optical interception system includes an aperture stop **120** that essentially intercepts a central portion of the returning imaging beam (Column 4, lines 28-32 and Fig. 1).

It would have been obvious to one skilled in the art at the time of the invention to include the aperture stop of **Eckman** in the detecting apparatus of **Cook** in order to control the amount of received light, after the target area is illuminated, varying the results for calibration purposes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IYABO S. ALLI whose telephone number is 571-270-1331. The examiner can normally be reached on M-Thurs. 7:30a- 5pm, 1st F-OFF & 2nd F- 7:30a-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

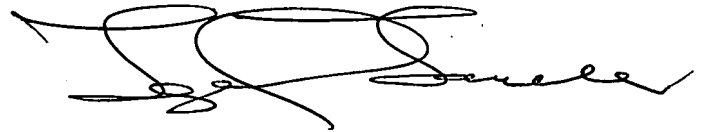
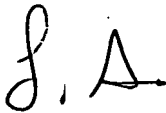
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IYABO S. ALLI
Examiner
Art Unit 2877
October 29, 2007



LAYLA G. LAUCHMAN
PRIMARY EXAMINER